



City of Rockville

MEMORANDUM

February 19, 2004

TO: City of Rockville Planning Commission

FROM: Deane Mellander, Planner III

VIA: Bob Spalding, AICP, Chief of Planning

SUBJECT: Proposed Zoning Text Amendment TXT2003-00204; To allow additional uses in the C-1, Local Commercial, Zone with a limitation of 5,000 square feet per establishment.

BACKGROUND

The applicant represents the owners of the Seven Locks Plaza shopping center, located on Seven Locks Road. In requesting the text amendment, the applicants have cited the fact that the shopping center suffers from a high vacancy rate which is caused, at least in part, by the limitations the code imposes on the types of uses and their sizes in the C-1 Zone. The Mayor and Council accepted the application for filing at their meeting on December 8, 2003. The public hearing on this text amendment will be held on March 15, 2004.

ANALYSIS

The statement of the applicant, Attachment C, sets forth their rationale for the amendment. The text amendment would allow the following new uses in the C-1 Zone:

The Retailing of:

Alcoholic beverages for consumption off the premises.

Pets

Sporting goods.

Luggage, including repair.

The following retail sales and personal services:

Auctioneer and commercial gallery

- Interior decorator, including display and sale of furniture.
- Private club or lodge.
- Rental halls for meetings and social occasions.
- Indoor entertainment establishments, commercial, except shooting gallery or range.
- Health and fitness establishment.
- Recreational establishment, indoor, commercial, except shooting gallery or range.
- Upholstering.
- Medical and dental clinics.
- Ambulance service.
- Libraries, museums, and galleries.

All of these new uses, with the exception of alcoholic beverage sales, private clubs, and upholstery, and ambulance service, would be subject to the size limitations proposed in the text amendment. Note that in the applicant's submittal, full-service restaurants, including drive-through, were listed in the land use tables as being allowed by special exception. The applicant does not wish to pursue this use in the C-1 Zone.

The text amendment proposes to eliminate Section 25-323, "Limitations of certain uses in the C-1 Zone", and fold the size restrictions into Section 25-319. This section, currently titled "General and professional offices in C-1 Zone", is proposed to be renamed "Limitations on certain uses in the C-1 Zone." Subsection (a) currently restricts office uses to no more than 25 percent of the gross floor area of the building, with a maximum of 4,500 gross square feet for all office uses in the building. The text amendment modifies this provision by allowing any one tenant to occupy up to 4,500 square feet of the building.

A new subsection (b) is proposed to be added, which provides restriction on the size of certain uses (including the new ones to be added) allowed in the C-1 Zone. The current size restrictions are retained at 2,500 square feet for all of the restricted uses. In addition, the new uses proposed for inclusion in the C-1 Zone are allowed a maximum of 5,000 square feet each if the shopping center is 50,000 square feet or larger.

The added language in subsection (a), denoting the floor area "for each tenant" is essentially a clarification, since the existing language doesn't specify a limitation on tenants, only on the total amount of floor area that can be devoted to office uses.

Subsection (b) takes the restrictions on sizes of certain uses from Section 25-323 and folds them into this new language. This language restricts to 2,500 square feet the space allowed for the following uses:

- Retailing of:
 - Computers and accessories including repair.
 - Shoes.
 - Variety and dry goods.

- Wearing apparel.
- Music, musical instruments and accessories and recordings.
- Jewelry, including repair.
- Photographic studio.
- Optician.
- Private postal service.
- Interior decorator.
- Photographic processing.

Under the proposed text amendment these restrictions remain in place, no matter the size of the shopping center. The following uses would be allowed to utilize up to 5,000 square feet of space in a shopping center of 50,000 square feet or larger:

- Auctioneer and commercial galleries.
- Health and fitness establishment.
- Indoor entertainment establishment, commercial.
- Interior decorator, including the display and sale of furniture.
- Libraries, museums, art galleries.
- Recreational establishment, indoor, commercial.
- Rental halls for meetings and social occasions.

For clarification, indoor commercial entertainment establishments is not a defined use, but has been interpreted to mean facilities that could feature items such as video game arcades, pinball machines, and similar uses. A recreational establishment, indoor commercial is defined, as follows: “An activity of an athletic nature for which a fee is paid which takes place inside a building, including baseball batting in cages, basketball, golf driving practice, gymnastics, miniature golf, racquetball, rock climbing, skiing practice, swimming, tennis, volleyball, bowling, billiards or other athletic activity.” The rental hall use is essentially a catering facility.

Staff points out that the Seven Locks Center, at 53,828 square feet, is the only shopping center in the C-1 Zone that meets or exceeds the 50,000 square foot threshold. The next largest one is the Woodley Gardens Center, which is 25,200 gross square feet. The Rockshire Center is 56,915 square feet, but it is in the R-90 Zone. Uses authorized in the C-1 are allowed within a PRU. However, the language of the text amendment restricts the added uses only to contiguous C-1 Zones of 50,000 square feet or more. Thus, the staff opinion is that this provision as submitted and with staff recommendations will have no effect on commercial uses in PRU developments with an underlying residential base zone.

As submitted, the staff finds that there are some inconsistencies in the language that need to be clarified. Also, the changes to the land use tables needs to be revised for clarity and consistency.

The intent of the provision in subsection (b) seems to be that the provisions apply to shopping centers with 50,000 or more square feet of gross floor area. The proposed language reads: “In all contiguous C-1 Zones of 50,000 square feet or more...”, which implies land area.

Discussions with the applicants have always been in reference to building area. Therefore staff recommends that the language at the beginning of the second sentence in subsection (b) be revised to read as follows: “Within a shopping center of 50,000 square feet or more located in the C-1 Zone, the following uses...” The applicant is also proposing to modify the terminology of interior decorator. Currently, the code allows an interior decorator with maximum floor area of 2,500 square feet. The proposal is to modify the term to read: Interior decorator, including the display and sale of furniture. This would allow the interior decorator to not only display materials, but sell them off the floor. Staff is concerned that this could easily turn into a furniture sales store, rather than a interior decorator showroom. Staff therefore recommends that this term be modified to keep the sales portion subordinate to the decorator use by modifying the use to read: Interior decorator, including the display and sale of furniture as an accessory use. This would only be within this provision in the C-1 Zone. The entry in the land use tables is not amended, since the category is allowed in other commercial and industrial zones without restriction. The staff is has also proposed modifications to the language in Sec. 25-319 to make the terminology of the uses consistent with the entries in the land use tables. Staff also has a concern that allowing the sale of alcoholic beverages without a size limitation may be inconsistent with neighborhood-oriented retail. Staff therefore recommends that the sale of alcoholic beverages be subject to the 5,000 square foot size limitation.

The land use table submitted with the text amendment does not reflect the amendments that were made to the tables by text amendment TXT2003-00196. It also needs some formatting changes to reflect the intent of the application. The staff has prepared the recommended amendments to the text amendment which are shown on Attachment D.

RECOMMENDATION

The staff finds that the proposed text amendment will provide added flexibility to certain retail centers in the C-1 Zone, which will assist in maintaining the viability of these centers. Staff therefore recommends approval of proposed text amendment TXT2003-00204 with the changes recommended by the staff as shown below.

Text Amendment TXT2003-00204 with Modifications Recommended by Staff.

Section 25-319. [General and professional offices in C-1 Zone.] Limitations on certain uses in the C-1 Zone.

- (a) General and professional offices including medial and dental clinics shall occupy no more than twenty five (25) percent of the gross floor area of any building constructed in the C-1 Zone, and in no event more than four thousand five hundred (4,500) square feet of the gross floor area for each tenant of such building.
- (b) Retailing of computers and accessories, including repair; auctioneer and commercial gallery; interior decorator; jewelry, including repair; luggage, including repair; music,

musical instruments and accessories and recordings; optician; pets; photographic processing; photographic studio; private postal service; shoes; sporting goods; variety and dry goods, and wearing apparel in the C-1 Zone shall occupy not more than two thousand five hundred (2,500) square feet for each establishment. [In all contiguous C-1 Zones] Within a shopping center of 50,000 square feet or more located in the C-1 Zone, the following uses shall occupy not more than 5,000 square feet each: retailing of alcoholic beverages for consumption off the premises; auctioneer and commercial galleries; health and fitness establishment; Indoor entertainment establishments, commercial, except shooting gallery or range; interior decorator, including the display and sale of furniture as an accessory use; libraries, museums, art galleries; recreational establishment, indoor, commercial, except shooting gallery or range; and rental halls for meetings and social occasions.

Sec. 25-323. [Limitations on certain uses in the C-1 Zone.] Reserved.

[Retailing of computers and accessories including repair; shoes; variety and dry goods; wearing apparel; music, musical instruments and accessories and recordings; jewelry, including repair; photographic studio; optician; private postal service; interior decorator; and photographic process in the C-1 Zone shall occupy not more than two thousand five hundred (2,500) square feet for each establishment.]

Proposed Change to Land Use Tables, as Recommended by Staff.

	R-E	R-S	R-150	R-75	R-60	R-40	R-30	R-20	R-H	RPC	RPR	C-1	C-2	I-1	I-2	I-3	I-4	O-1	O-2	O-3	TCO-1	TCO-2	TCM-1	TCM-2	C-T
RESIDENTIAL USES ***																									
p. Private club or lodge. ***	S	S	S							P		P	P	S			P	(P)				P	P	P	
COMMERCIAL OFFICE AND INDUSTRIAL USES																									
a. Retail sales and personal services.																									
1. Retailing of:																									
A. Alcoholic beverages for consumption on the premises of any restaurant or delicatessen.										P	P	P	P	S		S	P	P			P	P	P	P	
A.1. Alcoholic beverages for consumption off the premises. ***										P	P	(P)	P								P	P	P	P	
P. Pets. ***										P	P	(P)	P	P							P	P	P	P	
S. Sporting goods. ***										P		(P)	P					(P)			P	P	P	P	
X. Luggage, including repair. ***										P		(P)	P					(P)			P	P	P	P	
7. Auctioneer and commercial gallery. ***										P		(P)	P	P				(P)			P	P	P	P	
b. Home and business services. ***																									
9. Interior decorator. ***										P		(P)	P	P			P	(P)			P	P	P	P	
20. Upholstering. ***										P		P	P	P											
d. Medical services. ***																									
2. Ambulance service. ***										P		P	P	P											
f. Institutional.																									
1. Libraries, museums, art galleries. ***										P		(P)	P				P	S			P	P	P	P	S
i. Assembly and entertainment ***																									
1. Rental halls for meetings and social occasions.										P		(P)	P			S	S				P	P	P	P	
2. Indoor entertainment establishments, commercial, except shooting gallery or range. ***										P		(P)	P				S				P	P	P	P	
7. Health and fitness establishment. ***																									
8. Recreational establishment, indoor commercial, except shooting gallery or range.										P		(P)	P	(P)		P	P	P			P	P	P	P	

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Attachments: 1. Proposed Text Amendment from Applicant
2. Text Amendment Application
3. Applicant's Statement